1 2 3 4 5 6	DENIS J. McINERNEY Chief CHARLES LA BELLA Deputy Chief NICOLE SPRINZEN MARY ANN McCARTHY Trial Attorneys Fraud Section, Criminal Division U.S. Department of Justice 1400 New York Avenue, NW Washington, DC 20530 (202) 598-2240		
7 8	Attorneys for the United States	C DICTRICT COURT	
9	UNITED STATES DISTRICT COURT		
10	DISTRICT OF NEVADA		
11			
12	UNITED STATES OF AMERICA,	) 2:11-cr-00336-JCM-GWF ) 2:11-cr-00337-JCM-GWF	
13	Plaintiff,	) )	
14	VS.	) )	
15	MARY ANN WATTS, DAVID AMESBURY,	) UNOPPOSED MOTION TO ) CONTINUE SENTENCING	
16 17	Defendants.	) ) )	
18			
19	COMES NOW, the United States of America, by and through Denis J. McInerney,		
20	Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and Charles La Bella,		
21	Deputy Chief, and Nicole Sprinzen and Mary Ann McCarthy, Trial Attorneys, U.S. Department of		
22	Justice, Criminal Division, Fraud Section, to continue the Sentencing Hearings in the above-		
23	captioned matters currently scheduled for: January 20, 2012 at 10:00am and January 23 at		
24	10:00am, respectively. The parties respectfully request this Honorable Court to continue the		
25	Sentencing Hearings for at least 8 months to allow time for the defendants to complete their		
26	cooperation or, in the alternative, to continue the	he Sentencing Hearings and set a status conference	

within 6 months to report to the Court on the on-going investigation and the defendants' cooperation in connection with the investigation.

This is the first request for a continuance of these Sentencing dates.

Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following reasons:

- 1. The defendants have entered plea agreements with the United States that require the defendants to cooperate with the United States in connection with its on-going investigation of a fraudulent scheme involving Las Vegas Home Owners Associations. The defendants have begun to cooperate with the United States in this investigation, which involves a number of potential coconspirators and targets.
- 2. The defendants' Plea Agreements afford the defendants potential consideration for downward departures at the time of sentencing if the defendant has provided substantial assistance to the United States, including the possibility of a United States Sentencing Guideline (U.S.S.G.) § 5K1.1 Motion.
- 3. The United States anticipates future pleas, indictments and the possibility of one or more trials of co-conspirators and targets. These events may allow the defendants the opportunity to provide further cooperation as witnesses, including the possibility of testifying at trial. However, the United States expects the resolution of such cases, including any trials in any related cases, to be at least 8 months from the defendants' current sentencing dates.
- 4. Counsel for the United States has spoken with counsel for each defendant and they have agreed that the requested continuance is in the best interest of justice and they do not oppose the continuance sought herein. The defendants are not in custody and remain at liberty on their personal recognizance.
- 5. Denial of this request for continuance would deny the parties sufficient time and opportunity to develop the defendants' cooperation against the related co-conspirators and targets and prepare related cases for prosecution.

1	6.	Furthermore, denial of this request for continuance could result in a miscarriage of	
2	justice.		
3	7.	The United States also requests an order to exclude the additional time requested by	
4	this continuance in computing the time within which the trial herein must commence pursuant to		
5	the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering the		
6	factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).		
7			
8	<b>DATED</b> this _9_ day of November, 2011.		
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10		DENIS J. McINERNEY	
11		Chief United States Department of Justice, Criminal Division Frond Section	
12		Criminal Division, Fraud Section //s//	
13		CHARLES LA BELLA	
14		Deputy Chief NICOLE SPRINZEN	
15		MARY ANN McCARTHY Trial Attorneys	
16		United States Department of Justice Criminal Division, Fraud Section	
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## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

4	UNITED STATES OF AMERICA,	) 2:11-cr-00336-JCM-GWF ) 2:11-cr-00337-JCM-GWF
5	Plaintiff,	) 2.11-ct-0035/-JCM-GWF
6	VS.	
7	MARY ANN WATTS, DAVID AMESBURY,	) PROPOSED ) ORDER - UNOPPOSED
8		<ul><li>MOTION TO</li><li>CONTINUE SENTENCING</li></ul>
9	Defendants.	)
10		<del></del> ,

## **FINDINGS OF FACT**

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

- 1. The parties are in agreement to continue the Sentencing dates as presently scheduled.
- 2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendants from the opportunity to cooperate and potentially receive downward departures at the time of sentencing. This decision is based on the following findings:
- a. The defendants agreed in their plea agreements to cooperate against their coconspirators in any related indictments and trials.
- b. The United States agreed to consider downward sentencing concessions for the defendants' cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.
- c. The United States anticipates several additional pleas, indictments and trials in related cases, but not sooner than 8 months from now.
  - d. The parties need additional time to prepare the defendants' cooperation against other

1 co-conspirators and targets. 2 The defendants do not object to the continuance. 3 f. The defendants are out of custody. 4 3. For all the above-stated reasons, the ends of justice would best be served by 5 continuing the Sentencing dates. 6 4. The additional time requested by this Stipulation is excludable in computing 7 the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. 8 Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v). 9 **ORDER** 10 IT IS THEREFORE ORDERED that the Sentencing dates currently set for January 20, 11 2012 at 10:00am and January 23, 2012 at 10:00am, respectively, are vacated and the same are 12 continued. This delay is excluded from the time within which the trial must commence pursuant to 13 the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A). It is further ordered that , at the hour of 10:00 a status conference is set for June 15, 2012 14 a.m., in Courtroom # 6A Sentencing hearing is continued to September 21, 2012, at 10:00 a.m. 15 16 17 **DATED** this 15th day of November, 2011. 18 19 Elles C. Mahan 20 UNITED STATES DISTRICT JUDGE 21 22 23 24

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